

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4242 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No

J

3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

-----

AGRICULTURAL & RURAL ASSO.

Versus

STATE OF GUJARAT

-----

Appearance:

MR DS VASAVADA for Petitioner

MR. DA BHAMBHANIA for Respondent No. 1, 2, 3

-----

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 11/07/96

ORAL JUDGEMENT

1. Rule. Mr. Bhambhanian waives service of rule on behalf of respondents. With the consent of the learned advocates appearing for the parties, the matter is finally heard today.

2. There is an award of Industrial Tribunal dated 17th April, 1990 in favour of the present petitioner. As per the award, all the employees mentioned in the operative part of the award were directed to be made permanent w.e.f. 1.1.84. They shall be paid all other benefits including the benefits as Dearness Allowance, House Rent Allowance, Medical Allowance, etc. The said award was subject matter of challenge by Special Leave Petition before the Supreme Court and was confirmed by the Supreme Court on 29th of March, 1993. It appears that pursuant to the said award, the benefits of the said award were being paid to all employees excepting two employees being at Serial No. 45 and 53. The grievance of these two persons is that they ought to have been paid as per the award passed by the Tribunal. Despite this situation, it appears that subsequently an order is issued dated 26th February, 1996 by Joint Director of Agriculture, Irrigation Project, Nadiad, whereunder the said two employees were directed to be paid only Rs. 300/- per month and not to be paid any other benefits which was otherwise payable to them under the award. In fact, the award which is passed by the Industrial Tribunal has become final and one fails to understand as to how the Joint Director of Agriculture, Irrigation Project can refuse to implement such award on his own at the instance of some employee who is alleging to be the senior of two persons. This Court is informed by D.A Bhambhanian that the order dated 26th February, 1996 is suspended by order dated 4th July, 1996 and that the two employees referred to hereinabove namely Dineshbhai Mathurbhai and Shahikant R. Parmar are being paid or shall be paid as per the award which was implemented in respect of all other employees. It is directed that the respondents shall implement the award in its entirety even with respect to the aforesaid two employees and it is not open to the Joint Director, Irrigation Project, to modify the award of the Tribunal which has merged into the order of the Supreme Court.

In the result, the petition succeeds. Rule is made absolute. There shall be no order as to costs.

-----